

**State of California
Office of Administrative Law**

In re:
California Architects Board

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 109.1

Amend sections: 144

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2022-1229-03

OAL Matter Type: Regular (S)

This rulemaking action by the California Architects Board further implements and makes specific Business and Professions Code section 5604(h) by establishing an application process and fee for licensees seeking to apply for retired licensure status, as well as procedures for retired license holders seeking to return to an active status.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on February 9, 2023.

Date: February 9, 2023



Nicole C. Carrillo
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Laura Zuniga, Executive Officer

Copy: Kimberly McDaniel

REGULAR

For use by Secretary of State only

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|----------------------------------------------------|----------------------------------------------|--------------------------------------------------|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- 2022-0517-03 | REGULATORY ACTION NUMBER 2022-1229-03S | EMERGENCY NUMBER |
| For use by Office of Administrative Law (OAL) only | | | |
| NOTICE | | REGULATIONS | |

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

FEB 09 2023

1:48 PM

OFFICE OF ADMIN. LAW
2022 DEC 29 PM 4:09

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| AGENCY WITH RULEMAKING AUTHORITY California Architects Board, Department of Consumer Affairs | AGENCY FILE NUMBER (If any) |
|-------------------------------------------------------------------------------------------------|-----------------------------|

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

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|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------------------------------|
| 1. SUBJECT OF NOTICE | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
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| 1a. SUBJECT OF REGULATION(S) Retired Architect License | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT §109.1 |
| | AMEND §144 |
| TITLE(S) 16 | REPEAL |
| 3. TYPE OF FILING | |
| <input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) |
| <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) |
| | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) |
| | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| | <input type="checkbox"/> File & Print |
| | <input type="checkbox"/> Print Only |
| | <input type="checkbox"/> Other (Specify) _____ |
| 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) October 5, 2022 to October 25, 2022 | |
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) | |
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input checked="" type="checkbox"/> Effective on filing with Secretary of State |
| | <input type="checkbox"/> \$100 Changes Without Regulatory Effect |
| | <input type="checkbox"/> Effective other (Specify) _____ |
| 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY | |
| <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) | <input type="checkbox"/> Fair Political Practices Commission |
| <input checked="" type="checkbox"/> Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs | <input type="checkbox"/> State Fire Marshal |
| 7. CONTACT PERSON Kimberly McDaniel | TELEPHONE NUMBER (916) 575-7221 |
| FAX NUMBER (Optional) (916) 575-7283 | E-MAIL ADDRESS (Optional) Kimberly.McDaniel@dca.ca.gov |

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

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|---------------------------------------------------------------------------------------------------|------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Laura Zuniga</i> | DATE 11/15/22 |
| TYPED NAME AND TITLE OF SIGNATORY Laura Zuniga, Executive Officer, California Architects Board | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 09 2023

Office of Administrative Law

CALIFORNIA ARCHITECTS BOARD

RETIRED LICENSE FEE

ORDER OF ADOPTION

Adopt Section 109.1 of Article 2 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

§ 109.1. Retired License Application

(a) To be eligible for a retired license, an architect ("applicant") shall meet the requirements in subdivision (a) of Section 5600.4 of the code and submit a completed application to the board as required by subsection (b).

(b) (1) For the purposes of this section, a completed application for a retired license includes the nonrefundable fee specified in Section 144 and all of the following information from the applicant:

(A) Social security number or individual taxpayer identification number (ITIN),

(B) California architect license number,

(C) Full legal name (Last Name, First Name, Middle Name, and (if any) Suffix),

(D) Month and year of birth,

(E) Contact information including, the applicant's address of record, phone numbers, and an email address (if any),

(F) Legal name as the applicant wants it to appear on their retired architect license wall certificate,

(G) A statement regarding whether the applicant is engaged in any activity for which an architect's license is required; and,

(H) A statement signed under penalty of perjury that the information provided on the application is true and correct.

(2) Upon meeting the requirements of this section, the board shall issue a retired license and a wall certificate as evidence of such license status to the applicant.

(c) (1) The holder of a retired license ("holder") may restore their architect license to active status at any time within five years from the expiration date of their original architect license by:

(A) Paying all accrued and unpaid renewal fees and if appropriate, any delinquency fee specified in Section 144; and,

(B) Completing and submitting the architect license renewal application to the board, which includes the following information from the holder:

- (i) Full legal name (Last Name, First Name, Middle Name, and (if any) Suffix),
- (ii) Contact information including address of record, phone numbers and email (if any),
- (iii) Original architect license number,
- (iv) The statements required by subdivision (c) of Section 5600 of the code,
- (v) A statement regarding whether the holder has completed continuing education (CE) coursework requirements provided in Section 5600.05 of the code within the previous two years; and,
- (vi) A statement signed under penalty of perjury that the information provided on the application is true and correct.

(2) The holder of a retired license ineligible to restore their license under subsection (c)(1) because more than five years have passed since the expiration date of their original architect license may seek to restore their original architect license to active status by:

(A) Submitting all of the information and documentation to the board required by Section 109 and complying with Section 124.7. The holder of a retired license shall be considered a new candidate as defined in Section 109(a)(1) for the purposes of compliance with Section 109, except for the education requirements of that section,

(B) Paying all the application fees for examination and for an original license specified in Section 144; and,

(C) Furnishing to the Department of Justice a full set of fingerprints for the purposes of the board conducting criminal history record checks pursuant to Section 144 of the Code.

(d) For the purposes of determining when a holder of a retired license may restore a license, "expiration date" shall mean the date an active license lapses or is no longer effective, or the date the board issued a retired status license to an architect holding a current and active license.

Note: Authority cited: Sections 5526 and 5600.4, Business and Professions Code.
Reference: Sections 30, 144, 5600.2, 5600.3, and 5600.4, Business and Professions Code.

Amend Section 144 of Article 7 of Division 2 of Title 16 of the CCR as follows:

§ 144. Fees.

Pursuant to Section 5604 of the code, the following fees are fixed by the Board effective January 1, 2011.

- (a) The application fee for reviewing a candidate's eligibility to take any or all division(s) of the Architect Registration Examination (ARE) is one hundred dollars (\$100) for applications submitted on or after July 1, 1999.
- (b) The application fee for reviewing a reciprocity candidate's eligibility to take the California Supplemental Examination is thirty-five dollars (\$35).
- (c) The fee for the California Supplemental Examination is one hundred dollars (\$100).
- (d) The fee for an original license is three hundred dollars (\$300). If the license is issued less than one year before the date on which it will expire, the fee is one hundred fifty dollars (\$150).
- (e) The biennial renewal fee commencing with the renewal period which begins on or after January 1, 2011 shall be three hundred dollars (\$300).
- (f) The delinquency fee is one hundred dollars (\$100).
- (g) The fee for a duplicate certificate is fifteen dollars (\$15).
- (h) The fee for a retired license is forty dollars (\$40).

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 5604, Business and Professions Code.